

REMARKS

In the Office Action of August 23, 2007, claims 1-11, 13-17 and 19 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,578,674 (hereinafter “Baker et al.”). In addition, claim 12 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Baker et al. in view of U.S. Patent No. 7,199,783 (hereinafter “Wenstrand et al.”). In addition, claim 18 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Baker et al. in view of U.S. Patent Application No. US 2002/0140677 A1 (hereinafter “Misek et al.”).

In response, Applicant has amended the independent claims 1, 3, 17 and 19 to more clearly distinguish the claimed invention from the cited references Baker et al. and Misek et al. Claim 5 has also been amended. As amended, Applicant respectfully asserts that the independent claims 1, 3 and 17-19 are neither anticipated by the cited reference of Baker et al. nor obvious in view of Baker et al. and Misek et al., as explained below. In view of the claim amendments and the following remarks, Applicant respectfully requests that the pending claims 1-19 be allowed.

A. Patentability of Independent Claims 1, 3, 17 and 19

As amended, the independent claim 1 recites “*an optical imaging array sensor operable to receive an optical signal from an optical-signal emitter communicatively coupled to an electronic system,*” which is not disclosed in the cited reference of Baker et al. Thus, the amended independent claim 1 is not anticipated by the cited reference of Baker et al. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Baker et al. discloses a method and apparatus for wireless cursor position control. The apparatus of Baker et al. operates by transmitting and

receiving ultrasonic and infrared signals between a position device and a control base to calculate the movement of the position device. However, the apparatus of Baker et al. does not include “*an optical imaging array sensor,*” as recited in the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Baker et al. As such, Applicant respectfully requests that the amended independent claim 1 be allowed.

The above remarks are also applicable to the amended independent claims 3, 17 and 19, which recite limitations similar to those of the amended independent claim 1. Thus, the amended independent claims 3, 17 and 19 are also not anticipated by the cited reference of Baker et al. As such, Applicant respectfully requests that the amended independent claims 3, 17 and 19 be allowed as well.

B. Patentability of Independent Claim 18

The independent claim 18 recites “*displaying the optical signal,*” which is not disclosed in the cited references of Baker et al. and Misek et al. Thus, the independent claim 18 is not obvious in view of these cited references. As such, Applicant respectfully requests that the independent claim 18 be allowed.

To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Office Action on page 7 alleges that the cited reference of Baker et al. discloses “displaying the optical signal (col. 5, lines 58-63).” However, the cited passage of Baker et al. does not describe displaying any optical signal. Rather, the cited passage states that a program stored in read only memory residing within microprocessor 300 calculates “cursor control signals” and “**transmits**” these cursor control signals to a display terminal. Clearly, this passage of Baker et al. does not disclose displaying “*an optical signal to be received by the optical-signal receiver from an optical-signal emitter,*” as recited in the independent claim 18. Thus, the independent claim 18 is not obvious in view of the cited references of Baker et al. and Misek et al. As such, Applicant respectfully requests that the independent claim 18 be

allowed.

C. Patentability of Dependent Claims 2 and 4-16

5 Each of the dependent claims 2 and 4-16 depends on one of the amended independent claims 1 and 3. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

10 As an example, the amended dependent claim 5 recites “*wherein the emitter comprises a video-display monitor configured to display said optical signal,*” which is not disclosed in the cited reference of Baker et al. As explain above in section B of this response, the cited reference of Baker does not disclose “*displaying the optical signal,*” as recited in the independent claim 18. Consequently, the cited reference of Baker et al.
15 also does not disclose “*a video-display monitor configured to display said optical signal,*” as recited in the amended dependent claim 5. Thus, the amended dependent claim 5 is not anticipated by the cited reference of Baker et al.

20 Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Mark A. Anderson.

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Date: November 21, 2007

By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300

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